UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/AC.46/1998/3/Add.60
13 October 1998

ENGLISH
Original: SPANISH

COMMISSION ON HUMAN RIGHTS
Intergovernmental working group of
experts on human rights of migrants
Third session
Geneva, 23-27 November 1998

INFORMATION AND COMMENTS RECEIVED FROM GOVERNMENTS, UNITED NATIONS BODIES, SPECIALIZED AGENCIES, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Report of the Secretary-General

ANNEX

Reply received from the Government of Colombia
dated 29 April 1998

GE.98-14368 (E)

Geneva, 29 April 1998

MPC. No. 542

Sir,

Enclosed please find official letter EE/DH No. 005283 addressed to you, transmitting replies to the questionnaire received from the members of the Intergovernmental Working Group of Experts on Human Rights of Migrants.

Accept, Sir, the renewed assurances of my highest consideration.

(Signed): GUSTAVO CASTRO GUERRERO
Ambassador, Head of Mission

EE/DH No. 005283

The Ministry of Foreign Affairs presents its compliments to the United Nations High Commissioner for Human Rights and has the pleasure to refer to note G/SO 212/26(1), transmitting the questionnaire prepared by the Working Group of Experts seeking relevant information on the obstacles encountered in protecting the human rights of migrants.

The Ministry of Foreign Affairs has the honour to submit the following replies to the questions raised by the members of the Working Group:

1. According to the 1993 census, Colombia's total population is 37,422,791, which includes all persons who were present in Colombia on the date of the census, but does not indicate the number of foreigners.

The number of Colombian nationals abroad is found in the attached tables (annexes 1 and 2), prepared by the Ministry's Unit for Colombian Communities Abroad and Consular Affairs and by the Administrative Department of Security (DAS). It should be noted that the data collected by the Unit does not accurately reflect the current situation, as a great number of Colombian nationals do not register with Colombian consulates.

2. Article 100 of the Constitution states, "Aliens in Colombia shall enjoy the same civil rights as Colombian citizens ..." and "Similarly, while in the territory of the Republic, aliens shall enjoy the guarantees granted to citizens, except for the limitations established by the Constitution or the law ...".

Decree No. 2371 of 1996 establishes rules governing aspects of the visa regime, including classification, the procedure for issuing visas and all other matters relating to migration control.

As part of its policy of improving assistance to foreigners, the Visa Division of the Ministry of Foreign Affairs has undertaken a modernization of its services, including the introduction of a direct telephone information line and use of the Internet.

With a view to facilitating assistance to foreigners, the Division has submitted a project for decentralizing services through the opening of offices in department capitals. This measure, which is already in effect in Cali, will avoid the need for foreigners to travel to the capital or use the services of middlemen in conducting business with the Division.

As regards bilateral and multilateral human rights measures, the Ministry continues to issue UNHCR-approved travel documents conforming to the 1951 Convention and 1967 Protocol relating to the Status of Refugees, at the request of the Office of the United Nations High Commissioner for Refugees in Colombia.

In fulfilment of the Universal Declaration of Human Rights, the American Convention on Human Rights (Pact of San José) and the above-mentioned international instruments on refugees, Decree No. 2191 was enacted on 3 September 1997 and contains provisions governing the issue of travel

documents, especially to stateless persons, persons granted asylum, refugees and foreigners in Colombia when they are nationals of countries which do not have diplomatic or consular representation in Colombia and are unable to obtain a passport in their place of origin.

3. The Ministry of Foreign Affairs has not received any complaints of discrimination against migrants in Colombia to date. Regarding Colombians abroad, however, the Ministry has received complaints of discrimination against Colombian nationals in various situations.

One of the main causes of discrimination by authorities at ports of entry is the stigmatizing of Colombian nationals because of the country's difficulties with the drug traffic. Tourists have been treated with scorn and their luggage damaged or pierced with sharp objects, destroying clothing and other belongings inside.

Reference should also be made to the situation of Colombian migrants abroad, who may be discriminated against in work, are frequently hired on disadvantageous terms, occasionally denied social benefits and, in some cases, deported. Cases have arisen of large-scale deportations of agricultural workers living in foreign countries, for whom the Colombian Government has provided humanitarian aid on their arrival in the country.

Mention should also be made of the situation of children of Colombian citizens legally residing in other countries, who were born in the territory of those States, and are denied the right to be registered as nationals in the country where they were born, resulting in failure to recognize the right to a nationality provided for in the Convention on the Rights of the Child.

Another discriminatory situation concerns Colombian and other nationals legally residing abroad, whose human rights have been violated in the course of visa renewals, when their passports have been confiscated by the authorities and handed back to them through their respective embassies.

It is very important to bear in mind that, in attempting to resolve these difficulties, Colombia has always used diplomatic channels and has lent humanitarian assistance whenever it has been informed by the respective Government of the eviction or deportation of Colombian nationals.

Also worthy of mention is the discrimination against Colombian citizens deprived of their liberty abroad. In some cases, Colombian prisoners subjected to overcrowding and ill-treatment have resorted to hunger strikes to make their situation known and obtain repatriation to serve their sentences in Colombia. In other cases, ignorance of the laws and language of the country where they are incarcerated prevents them from duly exercising their right of defence before the competent judicial bodies.

Although the Ministry has been informed of the situations described above, it does not have figures on the number of persons whose human rights have been violated.

4. Through Act No. 146 of 13 July 1994, the Congress of the Republic adopted the 1990 International Convention on the Protection of the Rights of

All Migrant Workers and Members of Their Families. The Constitutional Court declared this instrument enforceable with reservations in Judgement C-106/95 of 15 March 1995 and 24 May 1995. Colombia established the international nexus with the United Nations by depositing its instrument of accession, which entered into force on that date.

The Government is about to begin considering ILO Convention No. 97 concerning Migration for Employment and No. 143 concerning Migration in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, of 1975.

Additional information is available in the attached tables, which have been prepared by the above-mentioned institutions.

The Ministry of Foreign Affairs of Colombia takes this opportunity to convey to the United Nations High Commissioner for Human Rights the renewed assurances of its highest consideration.

Santafé, Bogotá D.C., 6 March 1998

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